

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TIMOTHY OLIVEIRA a/k/a
THOMAS OLIVER,

Plaintiff,

v.

CIVIL ACTION NO. 23-30024-LTS

JAMES MOORE,
MICHAEL MONTAGNE,
DANIEL SOROKA,
ALICE PIMENTO,
SAMUEL HOLMES,
SUSAN TWINNG,
BRENDAN TWOMEY,
DENISE KERRIGAN,
BRENT OBERMEYER,
CARON ALBRIGHT,
JOHN SULLIVAN,
MITCH ROBETAILE,

Defendants.

ORDER DISMISSING CASE WITH PREJUDICE

SOROKIN, D.J.

July 11, 2023

On March 2, 2023, pro se plaintiff Timothy Oliveira (“Oliveira”) filed this action which arises out of claims that a Massachusetts judgment and an apparent subsequent collection action in Rhode Island based upon that judgment allegedly caused injury to him. Compl., ECF No. 1. Oliveira seeks to proceed in forma pauperis, ECF No. 2, and that motion is ALLOWED.

Because Oliveira is proceeding in forma pauperis his complaint is subject to screening pursuant to 28 U.S.C. § 1915(e)(2)(B). Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court must dismiss actions that are, among other things, frivolous or malicious. In addition, “[t]he Court also has the power to sanction litigants who file pleadings, motions or other papers ‘for any improper purpose, such as to harass or to cause unnecessary delay or needlessly increase in the

cost of litigation.”” *Siri v. Town of Hingham*, CV 21-40138-TSH, 2023 WL 2429359, at *3 (D. Mass. Mar. 9, 2023) (quoting *Simon v. Navon*, 71 F.3d 9, 17 (1st Cir. 1995) (citing Fed. R. Civ. P. 11)). For the reasons stated below, the action is DISMISSED as frivolous or malicious. The motion for leave to file electronically, ECF No. 3, is DENIED.

This action must be dismissed because the complaint is a sham: ALL of the parties -- plaintiff and defendants – appear to be intentionally misidentified. First, it appears that plaintiff Timothy Oliveira’s true name is “Thomas Oliver.”¹ The Court makes this determination after research revealed a complaint that is virtually identical to an earlier action filed by “Thomas Oliver” in the United States District Court for the District of Rhode Island. Compare Compl., ECF No. 1 with Compl., *Oliver v. Michaud et al.*, Civ No. 22-cv-00354-MSM-LDA; *see also* *Oliver v. Michaud et al.*, 1:22-CV-354-MSM-LDA, 2023 WL 1795799, at *1 (D.R.I. Feb. 7, 2023) (dismissing action). Second, while the addresses of the defendants are identical in both complaints, the identities are entirely different. The intentional and unjustified misidentification of the identities of the parties is sanctionable. In addition, Oliver’s misidentification and signature on an affidavit (here the in forma pauperis affidavit, ECF No. 2) as “Timothy Oliveira” is an apparent misrepresentation to this Court subject to the pains and penalties of perjury.

Accordingly, the action is DISMISSED with prejudice. The Clerk is directed to enter a separate order of dismissal with prejudice and close the case.

SO ORDERED.

DATED: July 11, 2023

/s/ Leo T. Sorokin
UNITED STATES DISTRICT JUDGE

¹ The Court places this name on the docket as an a/k/a.